

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)

MDL No.1456

Civil Action No. 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:)
ALL CONSOLIDATED PRIVATE CLASS)
ACTIONS)

Chief Magistrate Judge Marianne B. Bowler

CASE MANAGEMENT ORDER NO. 32

Saris, U.S.D.J.

For the reasons stated on the record during the hearing of August 27, 2007, I order the following schedule for Plaintiffs and the Track Two Defendants.

1. On or before August 31, 2007, Plaintiffs are to file a memorandum addressing the conflicts-of-law, proposed groupings and application of various state laws, and jury instruction issues for their proposed Class 2 and Class 3 single-source-drug claims against Amgen, Aventis and Watson and otherwise demonstrating that such a multi-state class action may be lawfully certified. Defendants will have until September 21, 2007 to file responsive memoranda.

2. On or before September 14, 2007, Watson may file objections to the assertions in Plaintiffs' Response to Amgen and Watson's Supplemental Oppositions to Class Certification (filed August 8, 2007) relating to Ferrlecit and Dexamethasone Sodium Phosphate reimbursements by Sheet Metal Workers National Health Fund.

3. On or before September 27, 2007, Plaintiffs will provide their expert reports regarding liability and damages issues as to Amgen, Aventis, and Watson. Defendants will have until October 29, 2007, to provide Plaintiffs with expert reports in response.

4. The first Track Two trial is set for December 3, 2007. If a party files a Rule 23(f) petition in response to a class certification order concerning one or more Track Two defendants, then this trial date will be reset to follow the final disposition of any such petition and the completion of the necessary class notice and opt-out periods.



Patti B. Saris

United States District Judge